

### **REMARKS**

The Official Action mailed March 29, 2010, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Also, filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on February 20, 2004; October 11, 2005; October 30, 2006; May 8, 2007; July 20, 2007; December 2, 2008; December 30, 2008; March 2, 2009; June 4, 2009; and January 5, 2010.

A further Information Disclosure Statement was filed May 21, 2010, and consideration of this Information Disclosure Statement is respectfully requested.

Claims 12-14, 24-27, 63-84 and 89-113 were pending in the present application prior to the above amendment. Claims 12, 24, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 103 and 108 have been amended to better recite the features of the present invention; claims 27 and 111 have been canceled without prejudice or disclaimer; and new claims 114-120 have been added to better recite the features of the present invention. Accordingly, claims 12-14, 24-26, 63-84, 89-110 and 112-120 are now pending in the present application, of which claims 12, 24, 63, 67, 71, 75, 79, 103 and 108 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 12-14, 24-27, 63-84 and 89-113 under 35 U.S.C. § 112, second paragraph, asserting that the claims are "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention" (pages 2-3, Paper No. 20100318). Specifically, the Official Action asserts that there is insufficient antecedent basis for "the same layer" in claims 12, 24, 63, 67, 71, 75, 79, 103 and 108. In response, "the same layer" has been changed to "a same layer."

Also, regarding the feature of "the impurity region" in claims 63, 67, 71, 75 and 79, the Official Action asserts that "[i]t is unclear which impurity region is intended to be 'the impurity region' as multiple transistors 'each including an impurity region' is recited" (page 3, Id.). In response, claims 63 and 71 have been amended to recite "an integrated circuit disposed over a substrate, the integrated circuit comprising a thin film transistor including an impurity region," claims 67 and 75 have been amended to recite "an integrated circuit attached to a substrate with an adhesive interposed therebetween, the integrated circuit comprising a thin film transistor including an impurity region," and claim 79 has been amended to recite "an integrated circuit including a memory disposed over a substrate, the integrated circuit comprising a thin film transistor including an impurity region." That is, a single thin film transistor is claimed; therefore, it is clear which impurity region is intended. Dependent claims 65, 69, 73, 77 and 81 have been amended for consistency.

Further, regarding the feature of "a label" or "a first label and a second label" in claims 25-27 and 109-112, the Official Action asserts the following: "[a]s noted by applicant the claimed limitation of 'a substrate' in Claim 24 and Claim 108 corresponds to a label, thus it is unclear which 'label' is being claimed in claims 25-27 and 109-112" (page 4, Id.). Regarding the recitation of "a label" in claims 25, 26, 109 and 110, the Applicant respectfully submits that this feature is supported in the present specification, for example, by second label 50 in Figure 4A, which belongs to the elected Species. Claims 27 and 111 have been canceled without prejudice or disclaimer.

The Applicant respectfully submits that claims 12-14, 24-26, 63-84, 89-110, 112 and 113 particularly point out and distinctly claim the subject matter which applicant regards as the invention and are definite. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

The Official Action rejects claims 63-66, 79-83, 98 and 102 as anticipated by U.S. Patent No. 6,509,217 to Reddy. The Applicant respectfully submits that an anticipation

rejection cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claims 12, 24, 103 and 108 have been amended to recite an antenna formed on the interlayer insulating film, wherein the antenna is formed from a same layer as the wiring, and independent claims 63, 67, 71, 75 and 79 have been amended to recite an antenna provided on the interlayer insulating film, wherein the antenna is formed from a same layer as a wiring connected to the impurity region. These features are supported in the present specification, for example, by at least Figure 4A and paragraphs [0069] and [0072] of the pre-grant publication of the present application, i.e. U.S. Publication No. 2004/0164302. In the present application, it is disclosed that, "[f]or example, the antenna is formed by etching a predetermined pattern using a wiring material concurrently with the formation of the wiring" (paragraph [0072]). As such, the Applicant respectfully submits that the present claims are directed to an antenna formed from a same layer as a wiring, which is distinguished from the teaching of an antenna formed from a different layer as a wiring. For the reasons provided below, Reddy does not teach the above-referenced features of the present invention, either explicitly or inherently.

The Official Action asserts that Reddy discloses "an antenna (68/70) provided on the interlayer insulating film and in the same layer (both are within layer 60) as a wiring (62, for example and/or 58) connected to impurity region 'S' through contact 52)" (e.g., page 5, Paper No. 20100318). However, Reddy appears to merely disclose, for example, in Figure 2, sequential steps as follows: DEPOSIT SiO<sub>2</sub> 42, PHOTOLITHOGRAPHY TO CREATE VIAS 48, DEPOSIT CONTACT METAL 50, LITHO TO DEFINE SOURCE AND DRAIN METAL 56, DEPOSIT PAD CONTACT

METAL 66, LITHO TO DEFINE SOURCE AND DRAIN CONTACT TO THE PAD 68 and PRINT ANTENNA 72. That is, in Reddy, an antenna is formed after formation of pad contact metal 66. As such, in Reddy, forming an antenna is separate from forming a wiring. It is respectfully submitted that Reddy fails to disclose, either explicitly or inherently, an antenna formed on the interlayer insulating film, wherein the antenna is formed from a same layer as the wiring, or an antenna provided on the interlayer insulating film, wherein the antenna is formed from a same layer as a wiring connected to the impurity region.

Since Reddy does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

The Official Action rejects claims 13, 14, 24, 25, 27, 67-70, 89, 90, 92, 96, 97, 99, 103-109 and 111-113 as obvious based on the combination of U.S. Publication No. 2003/0032210 to Takayama and Reddy. The Official Action rejects claims 84, 91 and 95 as obvious based on the combination of Reddy and Takayama. The Official Action rejects claims 26, 75-78, 93, 94, 101 and 110 as obvious based on Takayama, Reddy and U.S. Publication No. 2002/0027247 to Arao. The Official Action rejects claims 71-74 and 100 as obvious based on the combination of Reddy and Arao. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the

prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Please incorporate the arguments above with respect to the deficiencies in Reddy. Takayama and Arao do not cure the deficiencies in Reddy. The Official Action concedes that Takayama fails to disclose an antenna (page 7, Paper No. 20100318), and the Official Action relies on Arao to allegedly teach "a protective film of DLC (Figure 10B element 704) provided on a thin film [integrated] circuit" (page 12, id.). However, Reddy, Takayama and Arao, either alone or in combination, do not teach or suggest an antenna formed on the interlayer insulating film, wherein the antenna is formed from a same layer as the wiring, or an antenna provided on the interlayer insulating film, wherein the antenna is formed from a same layer as a wiring connected to the impurity region. Since Reddy, Takayama and Arao do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New dependent claims 114-120 have been added to recite additional protection to which the Applicant is entitled. The features of claims 114-120 are supported in the present specification, for example, by Figure 4A. For the reasons stated above and already of record, the Applicant respectfully submits that new claims 114-120 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,



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